

# Transcript of the Testimony of **Leigh Geither**

**Date:** May 18, 2022

**Sage Pina vs. Shaman Botanicals**



CRAWFORD REPORTING  
(816) 507-9630  
CrawfordReporting@gmail.com

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1 Q. Good morning, Ms. Geither.  
 2 A. **Good morning.**  
 3 Q. As I indicated previously, my name is Shaun  
 4 Stallworth and I am representing Sage Pina in her  
 5 litigation against the Defendants in this case. Would  
 6 you please state your full name for the record?  
 7 A. **Leigh Ann Geither.**  
 8 Q. And what is your date of birth?  
 9 A. **1/24/64.**  
 10 Q. What is your current address?  
 11 A. **6618 Long Avenue, Shawnee, Kansas 66216.**  
 12 Q. Okay. Are you on any medications that would  
 13 keep you from answering any and all of my questions  
 14 truthfully today?  
 15 A. **No.**  
 16 Q. All right. Ms. Geither, I am pulling up what's  
 17 been marked as Plaintiff's Exhibit No. -- what's that?  
 18 A. **Nothing.**  
 19 Q. All right. I am pulling up what's been marked  
 20 as Plaintiff's Exhibit No. 6. Can you see this document?  
 21 A. **Yes.**  
 22 Q. All right. Obviously, we are taking this  
 23 document -- excuse me, taking this deposition remotely  
 24 today. And so I will be sharing my screen and obviously  
 25 we are in a different age where we can do more of this

7

1 A. **In this case?**  
 2 Q. In general.  
 3 A. **Yeah, I have.**  
 4 Q. Okay. All right.  
 5 So you might be an old hand at this. Let me  
 6 just do a couple of ground rules to refresh your  
 7 recollection.  
 8 MR. PORTO: I object to calling  
 9 Ms. Geither an "old hand."  
 10 Q. (BY MR. STALLWORTH) Fair enough. I meant it in  
 11 the most colloquial way possible.  
 12 Just a couple reminders, that I am going to ask  
 13 you a number of questions. Then I just ask that you  
 14 respond verbally to those questions, okay?  
 15 A. **Okay.**  
 16 Q. All right. And I'll just ask that you let me  
 17 ask all my questions to you first and then give you an  
 18 opportunity to respond. Is that all right?  
 19 A. **Yes.**  
 20 Q. As I indicated, I don't anticipate us being here  
 21 long today. I don't think we will need to break for  
 22 lunch or anything. My thought is we will be done by  
 23 then.  
 24 But if you do need to take a break, I will ask  
 25 that you just let me know and I am happy for us to take a

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1 remote work. So I want you to let me know if ever there  
 2 is a time when you can't view this.  
 3 But this is just a notice of the deposition of  
 4 American Shaman Franchise Systems, Inc's corporate  
 5 representative. Do you see that, ma'am?  
 6 A. **Yes.**  
 7 Q. This just indicates the deposition shall take  
 8 place today, Wednesday, May 18th. Initially it said 9:00  
 9 a.m. but of course we're beginning at 10:00 a.m. Central  
 10 Standard Time, okay?  
 11 A. **Yes.**  
 12 Q. It also references a number of topics that are  
 13 listed for the corporate examination today, listed as  
 14 Exhibit A. I am pulling up this Exhibit A. Do you see  
 15 this document, ma'am?  
 16 A. **Yes.**  
 17 Q. Okay. And that says, "Topics for Examination,"  
 18 correct?  
 19 A. **Correct.**  
 20 Q. All right. And you understand that you are here  
 21 today to provide testimony in this particular case,  
 22 correct?  
 23 A. **Correct.**  
 24 Q. Ms. Geither, have you ever had your deposition  
 25 taken previously?

8

1 break, okay?  
 2 A. **Okay.**  
 3 Q. All right. And you are doing fine with  
 4 responding verbally.  
 5 So can you tell me what was the basis for Sage  
 6 Pina's termination?  
 7 A. **Sage was terminated because we had a big**  
 8 **conference that we do every year in Las Vegas for our**  
 9 **franchisees. She had a big presentation that she was**  
 10 **supposed to have ready and present at the conference.**  
 11 **When she got to the conference, she had**  
 12 **forgotten her laptop with her presentation on it. So she**  
 13 **tried to get someone in the office that was here to**  
 14 **e-mail her her presentation so she could finish it**  
 15 **because she hadn't even completed it yet.**  
 16 **And when her supervisor, Marc Saylor, found out**  
 17 **about it, he tried to work with her on it to get it**  
 18 **completed. But she got kind of angry and stormed out of**  
 19 **the room and we had to find someone else to do the**  
 20 **presentation.**  
 21 Q. Okay. All right. I just want to break that  
 22 down so I can make sure I'm understanding.  
 23 A. **Okay.**  
 24 Q. You indicated that there was a presentation she  
 25 was supposed to perform for a big conference; is that

9

1 right?

2 **A. Correct.**

3 **Q. All right. Do you recall when or where about**  
4 **the conference was supposed to take place?**

5 **A. Yeah. It was in Las Vegas at Caesar's Palace.**  
6 **I believe the dates were March -- I don't know. I don't**  
7 **remember the exact dates. But it was March of 2020.**

8 **Sorry, February of 2020, because it was around**  
9 **Valentine's Day.**

10 **Q. Okay. You indicated that she had this**  
11 **presentation, correct?**

12 **A. She had started it, correct.**

13 **Q. Was there a deadline for her to have the**  
14 **presentation finished?**

15 **A. Yes. There was a deadline. She was supposed to**  
16 **present it I believe on the -- I don't remember the exact**  
17 **days we were there, if it was during the week or not.**  
18 **But it was supposed to be during the main conference.**

19 **Q. I understand that that's when the presentation**  
20 **was supposed to occur. Was there a deadline for her to**  
21 **complete the presentation?**

22 **A. It was supposed to be before we went to Las**  
23 **Vegas.**

24 **Q. When was that?**

25 **A. Let me think. I think we were there February**

10

1 **12th through the 14th. So she should have had it done I**  
2 **believe at least a week before so Marc Saylor could**  
3 **review it.**

4 **Q. Okay. So it's your recollection that the**  
5 **presentation should have been finalized or at least**  
6 **completed the week before?**

7 **A. Correct.**

8 **Q. Okay. And what are you basing that upon?**

9 **A. Just from what Marc Saylor had told me, what the**  
10 **expectations of her were.**

11 **Q. Is that in writing, that the presentation should**  
12 **have been completed the week before?**

13 **A. That I am not aware of.**

14 **Q. Okay. You don't have any contemporaneous**  
15 **documents indicating that the presentation should have**  
16 **been completed one week before the conference, correct?**

17 **A. I do not, no.**

18 **Q. Okay. You don't have any personal knowledge**  
19 **that the presentation should have been completed one week**  
20 **before the conference, correct?**

21 **A. Correct.**

22 **Q. You have not seen any documents that the**  
23 **presentation should have been completed one week before**  
24 **the conference, correct?**

25 **A. Correct.**

11

1 **MR. PORTO: Shaun, I wanted to interject,**  
2 **just so we are clear on the record. Ms. Geither has been**  
3 **noticed today as the corporate representative of the**  
4 **Shaman Defendant. And it appears you are asking**  
5 **questions of her in her individual capacity. I just want**  
6 **to make sure for the record, if you can attempt to**  
7 **clarify that as you go forward.**

8 **MR. STALLWORTH: Well, I guess a couple**  
9 **things. One, since Ms. Geither had indicated that she**  
10 **made the statement that the presentation was due and that**  
11 **was the basis for the termination, and the corporate rep**  
12 **notice indicates that the factual circumstances related**  
13 **to the termination. So I think this all would relate to**  
14 **the termination if the statement has been made that she**  
15 **should have provided this presentation one week before**  
16 **the Las Vegas conference.**

17 **MR. PORTO: I have no problem with that.**  
18 **I just want to make sure that when you are asking**  
19 **questions of Ms. Geither about her knowledge, if you**  
20 **could attempt to distinguish between what she knows**  
21 **individually and what she knows as the corporate**  
22 **representative.**

23 **MR. STALLWORTH: That's fair. And I would**  
24 **suppose that later on there would be an evidentiary**  
25 **determination about what would bind her as the corporate**

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1 **representative versus as a fact witness. Sure. I will**  
2 **clarify that with any questions that I may have going**  
3 **forward as far as her personal knowledge.**

4 **MR. PORTO: I appreciate it.**

5 **Q. (BY MR. STALLWORTH) Okay. Ms. Geither, as we**  
6 **sit here today, and when I say you -- let me rephrase it.**

7 **I typically say this a little bit earlier. That**  
8 **is a fair question that your counsel brought up. Let me**  
9 **go ahead and say this now.**

10 **For our purposes today, since this deposition is**  
11 **noticed up as a corporate representative of American**  
12 **Franchise Systems, Inc., when I say "you," I am**  
13 **referencing the company, okay?**

14 **A. Okay.**

15 **Q. And so can we agree that when I say you, that I**  
16 **am necessarily referring to your capacity as the**  
17 **corporate representative of American Shaman Franchise**  
18 **Systems, Inc.? Can we agree with that?**

19 **A. Okay.**

20 **Q. Okay. If I have to distinguish otherwise when I**  
21 **say your personal knowledge, then I am just referencing**  
22 **your personal knowledge as an individual, as a fact**  
23 **witness. But when I am saying "you," I am specifically**  
24 **representing -- or specifically referencing American**  
25 **Shaman Franchise Systems, Inc., okay?**

13

1 A. Okay.

2 Q. All right. And just to be clear, do you have  
3 any knowledge of any contemporaneous documents  
4 instructing Ms. Pina to present the presentation to  
5 Mr. Saylor at any point before the Las Vegas conference?

6 A. No.

7 Q. Now, I understand that this deposition is  
8 noticed for American Shaman Franchise Systems, Inc.  
9 Could you explain to me, what is the difference between  
10 American Shaman Franchise System, Inc., and Shaman  
11 Botanicals, LLC?

12 A. Yes. Shaman Botanicals, LLC is the manufacturer  
13 of the CBD product that we sell to the franchisees, who  
14 purchase franchises through American Shaman Franchise.

15 Q. Okay. You spoke a little quick there. So I  
16 want to make sure that I understood that to break it  
17 down.

18 A. Okay.

19 Q. We may do this a couple times, because I am a  
20 little slow in my mind sometimes to break this down a  
21 little bit and make sure I understand.

22 As I understand your testimony, Shaman  
23 Botanicals is the manufacturer of the CBD products; is  
24 that right?

25 A. Correct.

14

1 Q. Okay. Who then would sell the products to the  
2 various franchisees; is that right?

3 A. Correct.

4 Q. And so American Shaman Franchise Systems, Inc.,  
5 is that a franchise so to speak or is that sort of the  
6 main company that distributes the franchises to  
7 franchisees?

8 A. Yeah, that's the main company that sells  
9 franchises.

10 Q. Okay. So Shaman Botanicals is the manufacturer,  
11 American Shaman Franchise Systems, that is the entity  
12 that sells the franchises to franchisees, correct?

13 A. Correct.

14 Q. All right. What is the location for Shaman  
15 Botanicals?

16 A. It is located at 2405 Southwest Boulevard in  
17 Kansas City, Missouri 64108.

18 Q. And what is the location for American Shaman  
19 Franchise Systems, Inc.?

20 A. We just moved to 1501 Iron Street, in North  
21 Kansas City, Missouri. 64116 is the zip code.

22 Q. Now, in or around February 2020, what was the  
23 location of American Shaman Franchise Systems, Inc.

24 A. It was 2300 Main, Suite 165, Kansas City,  
25 Missouri 64108.

15

1 Q. All right. Now, Shaman Botanicals, LLC, do you  
2 know who the owner is of Shaman Botanicals, LLC?

3 A. Yeah.

4 Q. Who is that?

5 A. Vince Sanders.

6 Q. Okay. Do you know who the owner of American  
7 Shaman Franchise Systems, Inc., is?

8 A. Yes.

9 Q. Who is that?

10 A. Vince Sanders.

11 Q. Do you know what Mr. Sanders' residency is?

12 A. His address or where, what state?

13 Q. Rather what state, ma'am.

14 A. He lives in Kansas.

15 Q. Do you know how many employees Shaman  
16 Botanicals, LLC, has?

17 A. We have about 65.

18 Q. Do you know how many employees American Shaman  
19 Franchise Systems, Inc., has?

20 A. There's about 10.

21 Q. And which entity employed Ms. Pina?

22 A. American Shaman Franchise Systems.

23 Q. Okay. And what address did she work at?

24 A. She worked at 2300 Main, Suite 165.

25 Q. And what was her role?

16

1 A. She was the SCO. I don't know if she had  
2 another --

3 Q. I'm not great with acronyms. If you could break  
4 that down, what does that mean?

5 A. She was like our social media marketing person.

6 Q. Okay. All right. Now, let me go back a moment.  
7 Who made the decision to terminate Ms. Pina?

8 A. Marc Saylor.

9 Q. Anyone else?

10 A. Not to my knowledge.

11 Q. Was anyone -- let me clarify. Was anyone else  
12 involved in the decision to terminate Ms. Pina?

13 A. Marc Saylor spoke to me about it.

14 Q. What did he say to you?

15 A. He just explained to me the situation and that  
16 he wanted to term her.

17 Q. What did you say?

18 A. I told him it was his employee and I agreed with  
19 his decision.

20 Q. Did you talk to Ms. Pina before she was  
21 terminated?

22 A. I did not, no.

23 Q. And what did Mr. Saylor tell you regarding the  
24 situation?

25 A. Just that she did not complete her presentation

17

1 for the conference and refused to complete it. So we had  
2 to get other people to take care of it.

3 Q. Anything else?

4 A. That's it that I recall.

5 Q. Do you recall when the decision was made?

6 A. It was after we got back from Las Vegas but I  
7 don't remember the exact date.

8 Q. Are you aware of any previous complaints  
9 regarding Ms. Pina by any other employees or customers?

10 A. No, I am not aware of any.

11 Q. Are you aware of whether or not Ms. Pina was  
12 previously disciplined?

13 A. No, I am not aware.

14 Q. So she didn't receive any written warnings or  
15 suspensions or anything of that nature, correct?

16 A. Correct.

17 Q. Are you aware of whether or not Mr. Saylor  
18 actually received a presentation from Ms. Pina?

19 A. I believe he received the presentation that was  
20 like halfway done.

21 Q. Did you review the presentation?

22 A. I did not, no.

23 Q. So you don't know whether or not it was halfway  
24 done, complete or anything of that nature, correct?

25 MR. PORTO: I will object to the form of

19

1 A. Yes.

2 Q. Have you seen this document before?

3 A. I don't recall. Probably.

4 Q. Okay. You would agree with me that at least on  
5 this document that it indicates that the agreement is  
6 made between Ms. Pina and Shaman Botanicals, correct?

7 MR. PORTO: I will object to the form of  
8 the question.

9 Q. (BY MR. STALLWORTH) You can answer, ma'am.

10 A. Correct.

11 Q. Who is CBD American Shaman?

12 A. That's another company that Vince Sanders owns.

13 Q. Okay. How is CBD American Shaman related to  
14 Shaman Botanicals, LLC?

15 A. CBD American Shaman is our brand name, so the  
16 products that Shaman Botanicals makes, the labels say CBD  
17 American Shaman.

18 And we also have a corporate source around the  
19 country under that entity.

20 Q. Okay. So Shaman Botanicals manufactures the  
21 product, but it may be branded or labeled as CBD American  
22 Shaman; is that fair?

23 A. Correct.

24 Q. And then on top of the products being labeled as  
25 CBD American Shaman, they may further have locations

18

1 the question. It is vague as to the nature of the  
2 corporate representative, nature of Ms. Geithner's  
3 testimony.

4 Q. (BY MR. STALLWORTH) Ma'am, do you know what was  
5 incomplete about it?

6 A. I do not know the exact specifics that were not  
7 complete, no.

8 Q. Now, ultimately you indicated that Ms. Pina was  
9 terminated, correct?

10 A. Correct.

11 Q. She was terminated at some point upon returning  
12 to -- rather, after the conference in Vegas was complete,  
13 correct?

14 A. Correct.

15 Q. Now, pulling up a severance agreement that was  
16 offered to Ms. Pina. Do you see this, ma'am?

17 A. I do.

18 Q. All right. And the severance agreement  
19 indicates in the initial preamble that, "The severance  
20 agreement is made and entered into on this 18th day of  
21 February 2020 by and between Ms. Pina and Shaman  
22 Botanicals, LLC, its individual owners, and all related  
23 subsidiaries or related entities, including but not  
24 limited to CBD American Shaman, LLC."

25 Do you see that, ma'am?

20

1 labeled as CBD American Shaman; is that correct?

2 A. Correct.

3 Q. How many employees does CBD American Shaman  
4 have?

5 A. Right now, we have about a hundred.

6 Q. Okay. Do you know why this agreement would  
7 simply list Shaman Botanicals, LLC, and CBD American  
8 Shaman, LLC, as part of the severance agreement but not  
9 American Shaman Franchise Systems, Inc.?

10 MR. PORTO: I will object to the form of  
11 the question. Go ahead and answer.

12 A. I don't know. I am not aware.

13 Q. (BY MR. STALLWORTH) Okay. Pulling up what's  
14 called a Notice of Right to Sue. Have you seen this,  
15 ma'am?

16 A. I believe I saw it, yes.

17 Q. All right. Are you familiar with what this is?

18 A. Not really, no.

19 Q. Okay. This is just a document from the Missouri  
20 Commission on Human Rights indicating that Ms. Pina has  
21 the ability to pursue a lawsuit against Shaman  
22 Botanicals, LLC. I am going to scroll down. Okay.

23 And you will see at the bottom, it indicates  
24 your counsel, Mr. Porto, correct?

25 A. Correct.



21

1 Q. Okay. Are you aware of whether or not Shaman  
2 Botanicals ever filed any document with the Missouri  
3 Commission on Human Rights indicating that it was not the  
4 proper legal entity with respect to Ms. Pina's Charge of  
5 Discrimination against it?  
6 A. I am not aware of any of that, no.  
7 Q. Okay. You have no knowledge of that, correct?  
8 A. Correct.  
9 Q. Who did you speak with in preparation for the  
10 deposition today?  
11 A. My attorney, Nick Porto.  
12 Q. Anyone else?  
13 A. No.  
14 Q. What documents did you review in preparation for  
15 the deposition today?  
16 A. I reviewed the -- I don't know the terms.  
17 MR. PORTO: Just for the record,  
18 Ms. Geither has got a folder on her lap here that you  
19 would be seeing if you were in person that has the  
20 documents that she reviewed.  
21 Q. Okay.  
22 A. So I reviewed Exhibit A. Do you want me to list  
23 them off?  
24 Q. No, ma'am, that is fine. I was curious if you  
25 remembered what you had reviewed.

22

1 Did you speak with Mr. Sanders in preparation  
2 for your deposition today?  
3 A. I did not, no.  
4 Q. Did you speak with Mr. Saylor in preparation for  
5 your deposition today?  
6 A. I did not, no.  
7 Q. Is Mr. Saylor still employed by -- well, let me  
8 ask you this. Who is Mr. Saylor employed by?  
9 A. He's employed by American Shaman Franchise  
10 Systems.  
11 Q. Is he employed by Shaman Botanicals, LLC?  
12 A. No.  
13 Q. Who are you employed by?  
14 A. I am employed by Shaman Botanicals, LLC.  
15 Q. Okay. All right. Are you employed by American  
16 Shaman Franchise Systems, Inc.?  
17 A. I am not employed by them, no.  
18 Q. But you are providing the deposition today on  
19 that entity's behalf, correct?  
20 A. Correct.  
21 Q. And what is your, meaning Ms. Geither's current  
22 role with the company?  
23 A. I am the CFO.  
24 Q. What does that stand for, ma'am?  
25 A. Chief financial officer.

23

1 Q. How long have you been in that position?  
2 A. Four years.  
3 Q. Were you with Shaman Botanicals, LLC, before  
4 that?  
5 A. Before the four years?  
6 Q. Yes, ma'am.  
7 A. No.  
8 Q. Do you have any experience in Human Resources?  
9 A. I have some, yes.  
10 Q. What experience do you have?  
11 A. Interviewing people, hiring people, terminating  
12 people.  
13 Q. Have you -- I'm sorry. Go ahead.  
14 A. That's okay. Go ahead.  
15 Q. Have you performed investigations related to  
16 discrimination, harassment or retaliation?  
17 A. I didn't really perform any, no.  
18 Q. Let me ask you, does American Shaman Franchise  
19 Systems, Inc. provide training related to discrimination,  
20 harassment or retaliation?  
21 A. We don't really have training.  
22 Q. So no, American Shaman Franchise Systems, Inc.  
23 does not provide training related to discrimination,  
24 harassment or retaliation in the workplace, correct?  
25 A. Correct.

24

1 Q. Does Shaman Botanicals, LLC, provide training  
2 related to discrimination, harassment or retaliation in  
3 the workplace?  
4 A. No.  
5 Q. Does American Shaman Franchise Systems, Inc.  
6 have an HR manager?  
7 A. Yes.  
8 Q. Who is that?  
9 A. Currently?  
10 Q. At the time of Ms. Pina's termination in  
11 February of 2020.  
12 A. It was Luke Mancillas.  
13 Q. Okay. Does Shaman Botanicals, LLC, have an HR  
14 manager?  
15 A. At the time it was Luke Mancillas.  
16 Q. So Mr. Mancillas was the HR manager for American  
17 Shaman Franchise Systems, Inc. as well as Shaman  
18 Botanicals, LLC, correct?  
19 A. Correct.  
20 Q. So if an employee complained of discrimination,  
21 harassment or retaliation in the workplace, who would  
22 perform the investigation related to complaints of  
23 discrimination, harassment or retaliation in the  
24 workplace?  
25 A. Luke Mancillas would have, our HR manager.

29

1 not be treated differently because they make good faith  
2 complaints of discrimination, harassment or retaliation?

3 A. Yes.

4 Q. Now, the next heading on -- or rather, two  
5 headings down that says 1-3, "Management Access and  
6 Communication."

7 Do you see that?

8 A. I do.

9 Q. The first sentence reads, "All American Shaman  
10 Franchise Systems, Inc. employees have full and equal  
11 access to speak with management on all matters regarding  
12 their employment."

13 Do you see that?

14 A. I do.

15 Q. Does this statement indicate that employees  
16 should have access to speak with management regarding any  
17 issues they may have with their employment?

18 A. Yes.

19 Q. On the next page of this Employee Handbook that  
20 has a Bates level of 08. And it says, "1-6, Reporting  
21 Employee Concerns."

22 Do you see that?

23 A. I do.

24 Q. It indicates, "All employees of American Shaman  
25 Franchise Systems, Inc. are expected to communicate any

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1 Do you see that?

2 A. I do.

3 Q. And that's similar to what we read above where  
4 it indicates that the employee should not be retaliated  
5 against for bringing concerns of -- or rather any  
6 concerns they may have to management, correct?

7 A. Correct.

8 Q. The third paragraph under 1-6 indicates that,  
9 "It is always the policy of American Shaman Franchise  
10 Systems, Inc. that all employee issues and concerns be  
11 treated with respect and dignity."

12 Do you see that?

13 A. I do.

14 Q. Have you always understood that to be a true and  
15 accurate statement?

16 A. Yes.

17 Q. It goes on to say, "Management will take every  
18 effort to resolve matters in a timely and confidential  
19 manner."

20 Do you see that?

21 A. I do.

22 Q. Does that mean that management will take the  
23 complaints of the employee seriously?

24 A. Yes.

25 Q. Does that mean that management will engage in an

30

1 workplace issues or concerns first to their supervisor at  
2 any time for immediate attention."

3 Do you see that?

4 A. I do.

5 Q. And then it goes on to say, "In the event the  
6 issue cannot be resolved with your supervisor or if such  
7 person is an inappropriate person to resolve the concern,  
8 you should communicate your concerns to the chief  
9 operating officer or to the chief executive officer."

10 Do you see that?

11 A. I do.

12 Q. It goes on to say, "You may submit a report  
13 verbally or in writing and may even submit such report  
14 anonymously if you choose. Reporting violations of any  
15 policy are to be reported in the same manner described  
16 herein, unless otherwise designated."

17 Do you see that, ma'am?

18 A. I do.

19 Q. Do you have any reason to dispute the accuracy  
20 of the statements with respect to employees reporting  
21 concerns in the workplace?

22 A. No.

23 Q. Okay. The next paragraph goes on to say that,  
24 "Employees that report any issue, concern, or violation  
25 in good faith will not be retaliated against."

32

1 investigation related to the employee's complaints?

2 MR. PORTO: Objection to the form of the  
3 question.

4 Go ahead and answer if you know.

5 A. Yes.

6 Q. (BY MR. STALLWORTH) Yes, that management will  
7 investigate the employee's complaints, ma'am?

8 MR. PORTO: Same objection. Vague as to  
9 the speculative nature of the complaint.

10 MR. STALLWORTH: Fair enough.

11 Q. (BY MR. STALLWORTH) Ma'am, it says, "Management  
12 will take every effort to resolve matters in a timely and  
13 confidential manner."

14 Do you see that?

15 A. I do.

16 Q. How would management attempt to resolve employee  
17 complaints in a timely and confidential manner?

18 MR. PORTO: Same objection. Vague as to  
19 the nature of the complaints. Misstates the -- go ahead,  
20 if you know.

21 A. Can you repeat the question?

22 Q. (BY MR. STALLWORTH) Yes, ma'am. This sentence  
23 says, "Management will take every effort to resolve  
24 matters in a timely and confidential manner."

25 Do you see that?

33

1 **A. I do.**

2 **Q.** I am just trying to understand, what will  
3 management do to resolve matters in a timely and  
4 confidential manner?

5 **A. So investigate what's happened and keep it**  
6 **confidential.**

7 **Q.** Okay. So it will perform an investigation; is  
8 that right?

9 **A. Correct.**

10 **Q.** Okay. What is involved with performing an  
11 investigation?

12 **A. Obviously, talking to the person who feels they**  
13 **have been mistreated. And then talk to other people**  
14 **confidentially, not bringing up anyone's name.**

15 **Q.** So you indicated for an investigation you might  
16 talk to the complainant, correct?

17 **A. Correct.**

18 **Q.** You might also want to talk to any relevant  
19 witnesses, correct?

20 **A. Correct.**

21 **Q.** You might want to review any documents that  
22 might be relevant to the investigation, correct?

23 **A. Correct.**

24 **Q.** And you would want to do that to make sure that  
25 you're performing a thorough investigation, correct?

35

1 **workplace that is free from any form of coercion or**  
2 **harassment because of race, color, religion, gender,**  
3 **national origin, ancestry, disability, age, genetic**  
4 **information, sexual orientation, gender identity, veteran**  
5 **status, and any other characteristic protected by**  
6 **applicable law. Coercion or harassment of the company's**  
7 **employees by an employee or non-employee personnel,**  
8 **including clients, vendors, and suppliers, is a violation**  
9 **of the company's policy and is prohibited."**

10 **Q.** Have you always understood that to be a true and  
11 accurate statement?

12 **A. Yes.**

13 **Q.** And then there is a heading that says, "What is  
14 Harassment?"

15 Do you see that?

16 **A. I do.**

17 **Q.** It talks about, "Harassment can take many forms  
18 and is not necessarily sexual in nature."

19 Do you see that?

20 **A. Yes.**

21 **Q.** Could you read the remaining part of that  
22 paragraph for me?

23 **A. "Harassment may consist of any kind of unwelcome**  
24 **conduct or communication which is based on an**  
25 **individual's protected status, such as sex, race, color,**

34

1 **A. Correct.**

2 **Q.** And that's important because the company wants  
3 to make sure it's taking employees' concerns or  
4 complaints seriously, correct?

5 **A. Correct.**

6 **Q.** The last sentence of this third paragraph under  
7 1-6 indicates that, "Any questions regarding who the  
8 appropriate person is to handle any policy issue or  
9 concern shall be directed to the HR administrator."

10 Do you see that?

11 **A. Yes.**

12 **Q.** In this instance, the HR administrator for  
13 American Shaman Franchise Systems, Inc. or Shaman  
14 Botanicals, LLC, that would be Luke Mancillas, correct?

15 **A. Correct.**

16 **Q.** I am now on page 11 of the Employee Handbook  
17 with a Bates label of 015. And there is a heading that  
18 says 2-6, "Harassment and Coercion Free Workplace  
19 Policy."

20 Do you see that, ma'am?

21 **A. I do.**

22 **Q.** Could you read the first paragraph for me,  
23 please?

24 **A. "The company maintains a respectful, safe,**  
25 **productive atmosphere and is committed to maintaining a**

36

1 **ancestry, national origin, religion, age, physical or**  
2 **mental disability, or any other protected group status,**  
3 **and that results in a tangible employment action or that**  
4 **is severe or pervasive enough that it creates an**  
5 **intimidating, coercive, hostile or offensive working**  
6 **environment. Forms of harassment include but are not**  
7 **limited to bullying, name calling, derogatory jokes,**  
8 **language or curses related to a protected status, and**  
9 **similar types of conduct that have the purpose or effect**  
10 **of creating an intimidating, hostile, or offensive**  
11 **working environment."**

12 **Q.** Have you always understood that to be a true and  
13 accurate statement regarding what is harassment?

14 **A. Yes.**

15 **Q.** And that would include identifying harassment as  
16 bullying, name calling, derogatory jokes and things of  
17 that nature, correct?

18 **A. Correct.**

19 **Q.** And again, the company wants to make sure that  
20 it's treating all employees' complaints of discrimination  
21 and harassment seriously, correct?

22 **A. Correct.**

23 **Q.** And then with respect to reporting, it talks  
24 again about reporting any issues or instance of  
25 harassment to the Human Resources Department, correct?



37

1 **A. Correct.**  
 2 Q. And then under the heading for Reporting, which  
 3 is on page 12 of the Employee Handbook with a Bates label  
 4 of 016, it then goes on to talk about the fact that "any  
 5 supervisor or manager who becomes aware of possible  
 6 unlawful harassment must immediately advise the Human  
 7 Resources Department," correct?  
 8 **A. Correct.**  
 9 Q. So that it can be investigated in a timely and  
 10 confidential manner, correct?  
 11 **A. Correct.**  
 12 Q. It goes on to indicate that, "All reports will  
 13 be promptly investigated with due regard for the privacy  
 14 of everyone involved."  
 15 Right? Do you see that?  
 16 **A. Yes.**  
 17 Q. Have you always understood that to be a true and  
 18 accurate statement?  
 19 **A. Yes.**  
 20 Q. It goes on to say that, "Retaliation against any  
 21 individual who makes a good faith complaint or provides  
 22 any information regarding harassment, including  
 23 participation in a harassment investigation, will not be  
 24 tolerated."  
 25 Do you see that, ma'am?

38

1 **A. I do.**  
 2 Q. Have you always understood that to be a true and  
 3 accurate statement?  
 4 **A. Yes.**  
 5 Q. And that's important because the company should  
 6 not be terminating individuals because they made good  
 7 faith complaints, correct?  
 8 **A. Correct.**  
 9 Q. It goes on to say, "Any individual who engages  
 10 in retaliation is in violation of this policy and will be  
 11 disciplined accordingly, up to the including  
 12 termination."  
 13 Do you see that?  
 14 **A. Yes.**  
 15 Q. Have you always understood that to be a true and  
 16 accurate statement?  
 17 **A. Yes.**  
 18 Q. And then it talks about discipline and it says,  
 19 "Any employee found to have engaged in sexual or other  
 20 harassment will be subject to disciplinary action, which  
 21 may include termination of employment."  
 22 Do you see that?  
 23 **A. Yes.**  
 24 Q. Have you always understood that to be a true and  
 25 accurate statement?

39

1 **A. Yes.**  
 2 Q. And then the last paragraph, or rather the  
 3 second paragraph underneath the heading Discipline talks  
 4 about the fact that "Harassment may encompass a wide  
 5 range of verbal, physical and visual behaviors and may be  
 6 sexual or non-sexual in nature." It depends on a number  
 7 of factors, correct?  
 8 **A. Correct.**  
 9 Q. You have always understood that to be a true and  
 10 accurate statement, right?  
 11 **A. Yes.**  
 12 Q. Now, it is my understanding that Ms. Pina had  
 13 worked for an affiliate of Shaman Botanicals or American  
 14 Shaman Franchise Systems, Inc. prior to moving to the KC  
 15 location in around January 2020. Do you have any  
 16 knowledge of that?  
 17 **A. Yes.**  
 18 Q. What's your understanding of Ms. Pina's previous  
 19 employment?  
 20 **A. She worked for CBD American Shaman at our  
 21 corporate store in Boston, Massachusetts.**  
 22 Q. Do you know what Ms. Pina's role was with CBD  
 23 American Shaman in Boston?  
 24 **A. She was a sales associate.**  
 25 Q. Do you know how long she was employed with CBD

40

1 American Shaman in Boston?  
 2 **A. I believe it was in probably 2019 till she moved  
 3 here.**  
 4 Q. Okay. So you might say at least maybe 12 months  
 5 prior to moving to the KC area?  
 6 **A. I believe so, I would have to look it up to  
 7 verify that, though.**  
 8 Q. Okay. Are you aware of whether or not Ms. Pina  
 9 had any complaints of any sort made against her while she  
 10 was employed at CBD American Shaman?  
 11 **A. Not that I'm aware of.**  
 12 Q. You are not aware of any complaints that  
 13 Ms. Pina would have had related to her employee  
 14 performance while employed at CBD American Shaman,  
 15 correct?  
 16 MR. PORTO: I will just object to the  
 17 extent it is beyond the scope of the topics for  
 18 examination of the corporate representative notice of  
 19 deposition for today.  
 20 Go ahead and answer.  
 21 **A. Correct.**  
 22 Q. (BY MR. STALLWORTH) Correct, you don't know,  
 23 correct?  
 24 **A. Correct, I don't know.**  
 25 Q. Do you know what were the circumstances that led

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1 to Ms. Pina being hired by American Shaman Franchise  
2 Systems, Inc.?

3 MR PORTO: I'll -- go ahead.

4 **A. Can you repeat the question? Sorry.**

5 Q. (BY MR. STALLWORTH) Sure. It is my  
6 understanding, and you have testified that Ms. Pina  
7 previously worked for CBD American Shaman at the Boston  
8 corporate location, correct?

9 **A. Correct.**

10 Q. And of course we have identified that she worked  
11 for American Shaman Franchise Systems, Inc., correct?

12 **A. Correct.**

13 Q. So I am just asking you, do you know what were  
14 the circumstances that brought her to the KC location?

15 **A. It was my understanding that she was moving back  
16 here anyway and that she heard we had an opening for our  
17 SCO, social medial marketing person, and she applied for  
18 the position and was interviewed.**

19 Q. Do you know who interviewed her?

20 **A. I believe it was Marc Saylor and Luke Mancillas.**

21 Q. I'm sorry, who was the last person you  
22 mentioned?

23 **A. Luke Mancillas.**

24 Q. And we already discussed the last page of this  
25 Employee Handbook is dated January 2nd, 2020. Do you see

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1 **A. No.**

2 Q. I may have said those names wrong.

3 MR. PORTO: I think you referred to Mr.

4 Miley. I think you said Mr. Miley instead of Ms. Miley.

5 MR. STALLWORTH: I think that's correct.

6 Q. (BY MR. STALLWORTH) Do you know who Mr. Miley  
7 is?

8 MR. PORTO: I think you are meaning to  
9 say, do you know who Mr. Miles is?

10 Q. (BY MR. STALLWORTH) Miles, excuse me. Thomas  
11 Miles I think is his name. Do you know who Thomas Miles  
12 is?

13 **A. I do.**

14 Q. Okay. Excuse me with that.

15 Let's go through this again real quick, since I  
16 am having difficulty with my word usage today, if you  
17 don't mind.

18 Are you aware of any complaints of racial  
19 discrimination by Thomas Miles in around January 2020?

20 **A. No.**

21 Q. Are you aware of any complaints by Mr. Miles in  
22 around January 2020?

23 **A. No.**

24 Q. Are you aware of who Mr. Miles' supervisor was  
25 in around January 2020?

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1 that, ma'am?

2 **A. Yes.**

3 Q. Do you know if Ms. Pina had started her  
4 employment prior to that date?

5 MR. PORTO: I will object to the form of  
6 the question. It is vague as to what entity you're  
7 referring to.

8 Q. (BY MR. STALLWORTH) Do you know if she started  
9 her employment with American Shaman Franchise Systems,  
10 Inc. prior to that date?

11 **A. I don't believe so, I believe she started the  
12 first of the year of 2020.**

13 Q. Okay. Now, are you aware of complaints that  
14 would have been made by Thomas Miley (sic), in and around  
15 January 2020?

16 **A. No, I am not aware of any.**

17 Q. Let me be more specific. Are you aware of any  
18 complaints of racial discrimination that would have been  
19 made by Thomas Miley (sic) in or around January 2020?

20 MR. PORTO: I will object to the form of  
21 the question. Go ahead and answer, if you know.

22 **A. I am not aware of it. He didn't come to me.**

23 Q. (BY MR. STALLWORTH) Are you aware that  
24 Mr. Miley felt racially discriminated against by his  
25 supervisor, Kathi Miley?

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1 **A. Yes.**

2 Q. Who was that?

3 **A. Marc Saylor.**

4 Q. Was there an individual named Kathi who was also  
5 his supervisor?

6 MR. PORTO: I will object to the form of  
7 the questions regarding Mr. Miles -- for today's  
8 deposition. Go ahead and answer if you know.

9 **A. I didn't think she was his supervisor, no.**

10 Q. Do you know who she is?

11 **A. Yes.**

12 Q. What is her last name, ma'am?

13 **A. Miley.**

14 Q. Okay. Do you recall what was her role with the  
15 company?

16 **A. She's an -- like an admin. She takes care of  
17 all -- she works mainly with the franchisees.**

18 Q. And do you recall what was Thomas Miles' role  
19 with the company?

20 **A. He was in sales.**

21 Q. Okay. Sharing what's been marked as Plaintiffs  
22 Exhibit 5. Have you seen this document before, ma'am?

23 **A. I have not.**

24 Q. I am going to represent to you that this is a  
25 text exchange between Mr. Miles and Ms. Miley. Do you

45

1 see this?

2 **A. I see it.**

3 **Q.** Okay. And it indicates in at least the meme  
4 that IS presented on this page it says, "What's black and  
5 never works?"

6 And then there is a question mark. And at the  
7 bottom it says, "Decaffeinated coffee you racist  
8 bastard".

9 Do you see that?

10 **A. I do.**

11 **Q.** And I believe you indicated a moment ago that  
12 you had no knowledge of complaints from Mr. Miles as it  
13 relates to this meme that was sent to him from Ms. Miley,  
14 correct?

15 **MR. PORTO:** Shaun, I am going to object  
16 again, and if I can just have a continuing objection as  
17 to any questions regarding Mr. Miles, not outlined in the  
18 topics for examination for today's deposition.

19 **Q. (BY MR. STALLWORTH)** Okay. You can answer,  
20 ma'am.

21 **A. Yes, correct. I never saw this or knew about  
22 it.**

23 **Q.** Are you aware of whether or not Mr. Miles'  
24 complaints were ever investigated?

25 **MR. PORTO:** Shaun, I don't mean to

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1 Thedford?

2 **A. No.**

3 **Q.** Do you know who Ms. Thedford is?

4 **A. Yes.**

5 **MR. PORTO:** May I have a continuing  
6 objection with questions regarding Ms. Thedford?

7 **MR. STALLWORTH:** Of course.

8 **Q. (BY MR. STALLWORTH)** Do you know who  
9 Ms. Thedford is?

10 **A. Yes.**

11 **Q.** Who is Ms. Thedford?

12 **A. She worked in -- like also the Marketing  
13 Department, franchise.**

14 **Q.** Okay. And so was she -- so she was doing  
15 marketing so to speak; is that right?

16 **A. Yeah, I don't know exactly what her role was.  
17 But I know she helped Marc with marketing things.**

18 **Q.** Okay. Are you aware of any complaints that Ms.  
19 Thedford made with respect to unequal pay among employees  
20 of color?

21 **A. I am not aware of that, no.**

22 **Q.** Are you aware of whether or not any of  
23 Ms. Thedford's complaints were investigated?

24 **A. I am not aware.**

25 **Q.** Are you aware of whether or not Mr. Mancillas

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1 interrupt again, but did you agree to my continuing  
2 objection regarding questions regarding Mr. Miles?

3 **MR. STALLWORTH:** Sure.

4 **MR. PORTO:** Go ahead.

5 **A. Can you repeat the question?**

6 **Q. (BY MR. STALLWORTH)** Sure. Do you know if  
7 Mr. Miles' complaints were ever investigated?

8 **A. I never got any complaints from him.**

9 **Q.** Do you know if Mr. Mancillas ever investigated  
10 Mr. Miles' complaints?

11 **A. No, I don't know.**

12 **Q.** This is a question for you as the CFO of the  
13 company. So this may be in your personal knowledge, but  
14 would you find this particular meme that was sent from  
15 one employee to another employee, would you find this  
16 offensive?

17 **MR. PORTO:** I will object to the form of  
18 the question.

19 **A. I mean, I don't know how it was sent. I don't  
20 know what the rest of the text was.**

21 **Q.** That's fair. Without knowing the context, could  
22 you see how it could be considered offensive to people?

23 **A. Sure.**

24 **Q.** Are you aware of any complaints of  
25 discriminatory practices as it relates to Juanita

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1 ever investigated any complaints related to  
2 discriminatory pay practices that were made by  
3 Ms. Thedford?

4 **A. No, I am not aware.**

5 **Q.** Are you aware Ms. Pina had complained to  
6 Mr. Mancillas regarding the complaints made by Mr. Miley  
7 and Ms. Thedford?

8 **A. No. I don't recall that.**

9 **Q.** And I believe you already indicated that you are  
10 not aware of any investigations as it related to  
11 Ms. Thedford or Mr. Miles' complaints in around January  
12 2020, correct?

13 **A. Correct.**

14 **Q.** Are you aware that Ms. Pina also made complaints  
15 to Alex Rhoades, the creative director?

16 **A. No, I am not aware of that at all.**

17 **Q.** Do you know who Mr. Rhoades is?

18 **A. Yes.**

19 **Q.** Is Mr. Rhoades still employed with the company?

20 **A. Yes. And it is a she.**

21 **Q.** Excuse me. So Ms. Rhoades is still employed  
22 with the company?

23 **A. Yes.**

24 **Q.** Are you aware that Ms. Pina made complaints to  
25 Joel Mackey?

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1 Q. Okay. Who would have negotiated his commission  
2 structure?

3 **A. It would have been Marc Saylor or by Miley at**  
4 **the time, president of the franchise.**

5 Q. Okay. And you say Miley meaning Kathi Miley?

6 **A. No. Meaning Raymond, Bud Miley, different**  
7 **Miley.**

8 Q. Okay. So last name was Miley as well?

9 **A. Correct.**

10 Q. Were they related?

11 **A. Yes.**

12 Q. Okay. And so did you have any knowledge that  
13 Mr. Torres planned to contact the U.S. Department of  
14 Labor based upon his concerns of discrimination and  
15 unequal pay?

16 MR. PORTO: I will object to the form  
17 of the question.

18 **A. No, I had no idea he was going to do that or --**

19 Q. (BY MR. STALLWORTH) Did you have knowledge  
20 that -- sorry, go ahead.

21 **A. I didn't know that he talked about it.**

22 Q. Did you have knowledge that Mr. Torres indeed  
23 contacted the U.S. Department of Labor regarding his  
24 concerns of discrimination and unequal pay?

25 **A. Not until we got a notice.**

55

1 Well, tell me this. Are you aware that  
2 Mr. Torres had asked Ms. Pina to sign a petition related  
3 to his complaints of discrimination and unequal pay?

4 **A. No. I wasn't aware of that at all.**

5 Q. Are you aware that Ms. Pina agreed to sign the  
6 petition related to complaints --

7 **A. No.**

8 Q. Let me finish the question real quick.

9 **A. Sorry.**

10 Q. That's okay. -- related to complaints of  
11 discrimination and unequal pay?

12 **A. No, I was not aware of that.**

13 Q. Are you aware of whether or not there was any  
14 investigation related to Mr. Torres' complaints of  
15 discrimination and unequal pay?

16 **A. I don't know what there was to investigate,**  
17 **except that he was on a different pay structure and that**  
18 **is what he was told.**

19 Q. Okay. I understand that that is your reasoning.  
20 I am asking you, was there any investigation?

21 **A. If he told Luke, Luke would have asked his**  
22 **supervisors what the pay structure was. But I was not**  
23 **involved in any investigation, no.**

24 Q. As we sit here today, is there any documentation  
25 that the company has related to any investigation of

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1 Q. When did you get the notice?

2 MR. PORTO: I will object to the form of the  
3 question. Same objection as before. This is not  
4 outlined in the topics for examination. There's nothing  
5 referencing Mr. Torres, there's nothing referencing this  
6 topic matter.

7 If you know, go ahead and answer.

8 **A. I don't remember.**

9 Q. (BY MR. STALLWORTH) Would it have been in 2020?

10 **A. Probably.**

11 Q. Okay. Did you see the notice from the U.S.  
12 Department of Labor related to Mr. Torres' concerns of  
13 discrimination and unequal pay?

14 **A. I don't remember seeing it. Just heard about**  
15 **it.**

16 Q. Okay. Who did you hear about it from?

17 **A. Nick maybe. I don't really remember.**

18 Q. Who is Nick?

19 **A. Oh, Nick Porto.**

20 MR. PORTO: I am Nick.

21 MR. STALLWORTH: I didn't know. When you  
22 went here (indicating).

23 MR. PORTO: This guy here.

24 Q. (BY MR. STALLWORTH) You can literally reach out  
25 and touch him. All right.

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1 Mr. Torres' complaints of discrimination as it relates to  
2 unequal pay?

3 MR. PORTO: I will object to the form of  
4 the question, to the extent it exceeds the scope of the  
5 topics for examination and also invades the  
6 attorney-client work product privilege.

7 Go ahead and answer if you know.

8 **A. No, I am not aware.**

9 Q. (BY MR. STALLWORTH) It is my understanding that  
10 there was a staff meeting in or around February 10th of  
11 2020. Do you recall that meeting?

12 **A. Yes.**

13 Q. Do you recall who was in the meeting?

14 **A. Yes.**

15 Q. Who was in the meeting?

16 **A. It was Luke Mancillas, Sage Pina, Tom Miles,**  
17 **Juanita Thedford. I think Abraham Torres was there. I**  
18 **don't recall. Sky Fisher was there, Corie Windholz, and**  
19 **Olivia O'Dell. I was not in the meeting.**

20 Q. I'm sorry. What was that?

21 **A. I was not in the meeting.**

22 Q. So you did not attend the meeting, is your  
23 testimony?

24 **A. I did not attend the meeting.**

25 Q. What is your understanding of the purpose of the



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1 meeting?

2 **A. The purpose was -- to my knowledge, Luke told me**  
3 **that they wanted -- all the staff wanted to get together**  
4 **and just discuss really the work culture of American**  
5 **Shaman Franchise is my understanding.**

6 Q. Okay. And what did he mean by "work culture"?

7 **A. I think some of the employees were not happy**  
8 **with just the negativity that might have been going on in**  
9 **the office, and they wanted to discuss it.**

10 Q. What negativity was that?

11 **A. That I don't know. I didn't ask what negativity**  
12 **they were referring to.**

13 Q. All right. Are you aware that at that meeting  
14 Ms. Pina brought up the complaints of discrimination  
15 by -- or at least discrimination and/or harassment by  
16 Mr. Miles [sic]?

17 **A. No, I'm not aware of that.**

18 Q. Are you aware that at that February 10th, 2020  
19 meeting that Ms. Pina brought up the complaints of  
20 Ms. Thedford as they relate to discrimination and unequal  
21 pay?

22 **A. No, not aware.**

23 Q. Are you aware that at that February 10th, 2020  
24 meeting Ms. Pina brought up the complaints of  
25 discrimination and unequal pay by Mr. Torres?

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1 **meeting with Vince. That is the only part I saw of the**  
2 **meeting.**

3 **And I told them I would try and get it set up**  
4 **with Vince.**

5 Q. Okay. So I just want to be clear. You're  
6 saying that you don't know how long the meeting was  
7 there. You're indicating that you stepped in on,  
8 quote/unquote, the back end of the meeting?

9 **A. Correct.**

10 Q. Do you know how long the employees were meeting  
11 before you entered the meeting?

12 **A. I don't.**

13 Q. Do you know how long the employees were meeting  
14 after you exited the meeting?

15 **A. I am pretty sure after I left the meeting they**  
16 **left.**

17 Q. And in that meeting, the employees indicated  
18 they wanted to have a meeting with the CEO; is that  
19 correct?

20 **A. Correct.**

21 Q. Who made that request to you?

22 **A. I don't remember off the top of my head.**

23 Q. Do you recall that Ms. Pina had indicated that  
24 she wanted to have a meeting with her and the rest of the  
25 employees with the CEO?

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1 **A. No, not aware.**

2 Q. Are you aware of whether or not Mr. Saylor was  
3 at that meeting?

4 **A. He was not.**

5 Q. Are you aware that individuals at that meeting  
6 indicated that they did not feel that they could bring  
7 their complaint to Mr. Saylor?

8 **A. No, I was not aware of that.**

9 Q. Are you aware that individuals at that meeting  
10 indicated they were too nervous to bring their issues to  
11 their direct supervisor because they had already brought  
12 those issues to the supervisor and they felt as though  
13 the issues were being dismissed?

14 **A. No, I wasn't aware.**

15 Q. Are you aware that at the February 10th, 2020  
16 meeting that employees demanded a meeting with the CEO,  
17 Mr. Sanders, once the Vegas trip ended?

18 **A. So I came into the meeting after it was almost**  
19 **over. Luke asked me to come in. And that's when they**  
20 **asked if they could talk to Vince Sanders.**

21 Q. I just want to make sure I am clear. First you  
22 said you didn't attend the meeting. But you're saying  
23 you came in on the back end, so to speak?

24 **A. I was just walking by. Luke asked me to step**  
25 **in. I stepped in. And Luke said they wanted to have a**

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1 **A. It could have been her or it could have been**  
2 **Olivia O'Dell. I don't remember.**

3 Q. Okay. You have no reason to dispute that  
4 Ms. Pina could have indicated to you that she wanted to  
5 have a meeting with Mr. Sanders to discuss the employees'  
6 complaints?

7 **A. Could have been. I don't remember.**

8 Q. Okay. Are you aware of whether or not there was  
9 any investigation with respect to the matters that were  
10 brought up during the February 10th, 2020 meeting?

11 **MR. PORTO: Can you repeat the question,**  
12 **Shaun? I'm sorry.**

13 Q. (BY MR. STALLWORTH) Sure. Are you aware of  
14 whether or not there was any investigation with respect  
15 to the matters that were brought up at the February 10th,  
16 2020 meeting by the employees that attended the meeting?

17 **A. I don't believe there was an investigation**  
18 **because I believe what I asked everybody was to write**  
19 **down -- sit down and write their complaints so I could**  
20 **take them to Vince.**

21 Q. Okay. And so when did you say that?

22 **A. Before I left the meeting that day.**

23 Q. All right. So I just want to add on to this.  
24 So you entered the meeting.

25 **A. Yeah.**



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1 Q. An individual indicated at some point that they  
2 wanted a meeting with the CEO, correct?

3 A. Correct.

4 Q. You indicated that you would try and set that  
5 up, correct?

6 A. Correct.

7 Q. And then now you are saying you also indicated  
8 that you wanted them to write it down?

9 A. Right. So I could take their complaints to  
10 Vince.

11 Q. Who did you say that to?

12 A. The whole room.

13 Q. All right. And so you indicated -- I believe  
14 you indicated that -- well, let me back up.

15 It appears to be that you're indicating that you  
16 never received any written complaints; is that right?

17 A. That's true. Nobody ever gave me a written  
18 complaint.

19 Q. Okay.

20 A. Nobody followed through and gave me anything.

21 MR. PORTO: Shaun, I don't know how much  
22 longer you have, but sometime maybe just a two-minute  
23 break?

24 MR. STALLWORTH: If you give me one or two  
25 more minutes, it would be a good spot to take a break and

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1 A. They don't have to, according to the policy.

2 Q. And you have indicated that that may have just  
3 been something that you wanted to have to provide to  
4 Mr. Sanders before the meeting?

5 A. Sure.

6 Q. But the employees certainly could have made  
7 those complaints directly to Mr. Sanders in the meeting,  
8 correct?

9 A. They could have.

10 Q. Okay. And so the fact that you may not have  
11 received anything in writing, are you saying that's what  
12 necessarily precluded you from setting up a meeting with  
13 Mr. Sanders?

14 A. No.

15 Q. Okay. Was a meeting with Mr. Sanders ever set  
16 up?

17 A. No. I mean I talked to Vince about it. But we  
18 never got -- he never got it worked into his schedule.

19 Q. Why not?

20 A. I don't know. You would have to ask Vince.

21 Q. Okay. Did Mr. Sanders ever -- excuse me. Did  
22 Mr. Saylor ever have any further conversations about  
23 setting up a meeting with Mr. Sanders regarding employee  
24 complaints or concerns?

25 A. Not to my knowledge.

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1 I won't have too much left after that.

2 MR. PORTO: Sure.

3 Q. (BY MR. STALLWORTH) So I am pulling back up the  
4 Employee Handbook that was Exhibit 1. Do you see this?

5 A. Yes.

6 Q. All right. This is on page 4 of the Employee  
7 Handbook with a Bates level of 08. Now, we talked about  
8 this a little earlier. You see in the first paragraph it  
9 talks about, "Reporting Employee Concerns" under 1-6.

10 Do you see that?

11 A. Yes.

12 Q. And in the second to the last sentence it talks  
13 about the fact that -- do you see this right here, "You  
14 may submit a report verbally or in writing."

15 Do you see that?

16 A. Yes.

17 Q. Okay. So employees were or would be within  
18 their rights just to make complaints verbally, correct?  
19 They don't have to submit the complaint in writing under  
20 the policy, correct?

21 A. They don't have to. But because they all wanted  
22 to talk to Vince, I thought it would be easier if I had  
23 the stuff in writing to show him.

24 Q. Okay. But one, just to be clear, under the  
25 policy they don't have to do it in writing, correct?

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1 Q. Did Mr. Mancillas have any further conversations  
2 with Mr. Sanders regarding employee complaints or  
3 concerns?

4 A. Not that I'm aware of.

5 Q. Okay. Do you recall any statement being made by  
6 you or Mr. Mancillas that Ms. Pina would receive a  
7 meeting with the CEO on the first day back after the  
8 Vegas trip?

9 A. I never said that. I don't recall saying that.

10 Q. Okay. And you have no knowledge of whether or  
11 not Mr. Saylor may have made a statement such as that,  
12 correct?

13 A. No. I have no knowledge of that.

14 MR. STALLWORTH: Why don't we take a break  
15 and I won't have much left. Say maybe five minutes or  
16 so.

17 MR. PORTO: Okay.

18 MR. STALLWORTH: All right. Thank you.  
19 (Off the record at 11:00 a.m. until  
20 11:30.)

21 MR. STALLWORTH: We are back on the  
22 record.

23 Q. (BY MR. STALLWORTH) Now, Ms. Geither, earlier  
24 you indicated that Ms. Pina was terminated as a result of  
25 a -- I guess I would term it a performance issue. Is

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1 that fair to say?

2 **A. Yes.**

3 **Q.** Are you aware of whether or not there was an  
4 outline for the presentation that she was supposed to  
5 present in Vegas?

6 **A. I am not aware.**

7 **Q.** Are you aware of any instructions that  
8 Mr. Saylor may have provided to Ms. Pina with respect to  
9 what the contents of what the presentation should  
10 include?

11 **A. No, I'm not aware.**

12 **Q.** And further, you are not aware of any outlines  
13 that Mr. Saylor may have provided to Ms. Pina in writing,  
14 correct?

15 **A. Correct.**

16 **Q.** And earlier we talked about deadlines for the  
17 presentation, correct?

18 **A. Correct.**

19 **Q.** And you're unaware of any deadlines that  
20 Mr. Saylor may have provided to Ms. Pina with respect to  
21 the presentation being complete, correct?

22 **MR. PORTO:** I will object to the form of  
23 the question, misstates her prior testimony.

24 **Q. (BY MR. STALLWORTH)** Do you understand the  
25 question, ma'am?

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1 presentation from Ms. Pina, correct?

2 **A. Correct.**

3 **Q.** By the way, I'm not sure if I ever clarified  
4 this completely. What exactly is Mr. Saylor's title?

5 **A. He's the vice president of the franchise system,  
6 American Shaman Franchise System.**

7 **Q.** Who does he report to?

8 **A. Vince Sanders.**

9 **Q.** Okay. So Mr. Saylor would necessarily be at the  
10 top of the food chain at American Shaman Franchise  
11 Systems Inc., so to speak, outside of Mr. Sanders?

12 **A. Correct.**

13 **Q.** In your personal capacity, Ms. Geither, you have  
14 no knowledge of the events or the statements that were  
15 made on around Thursday, February 13th, 2020 between Ms.  
16 Pina and Mr. Saylor, correct?

17 **A. Correct.**

18 **Q.** You weren't there, right?

19 **A. I was not there.**

20 **Q.** You don't know whether or not Mr. Saylor may  
21 have engaged in disturbing behavior or whether Ms. Pina  
22 may have engaged in purported disturbing behavior,  
23 correct?

24 **A. Correct. I was not there.**

25 **Q.** You don't know whether or not Mr. Saylor was

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1 **A. Yes. I am not aware of any.**

2 **Q.** Are you aware of whether or not Mr. Saylor  
3 engaged in any disciplinary action against Ms. Pina for  
4 not providing the presentation to her prior to the Vegas  
5 trip?

6 **MR. PORTO:** I will object to the form of  
7 the question as vague and compound.

8 **Q. (BY MR. STALLWORTH)** All right. That's fair.

9 I understand that the Vegas trip occurred  
10 sometime in early February, correct?

11 **A. Correct.**

12 **Q.** All right. Are you aware of whether or not  
13 Mr. Saylor disciplined Ms. Pina for not providing the  
14 presentation to him let's say 10 days before the trip?

15 **A. I am not aware.**

16 **Q.** Are you aware of whether or not Mr. Saylor  
17 disciplined Ms. Pina for not providing the presentation  
18 to him three days before the trip?

19 **A. I am not aware.**

20 **Q.** Are you aware of whether or not Mr. Saylor  
21 disciplined Ms. Pina for not providing the presentation  
22 to him the day before the trip?

23 **A. I am not aware of any disciplinary action, no.**

24 **Q.** You have indicated that at least to your  
25 knowledge Mr. Saylor did receive some type of

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1 disgruntled or anything of that nature, correct?

2 **A. Correct.**

3 **Q.** You don't know how complete the presentation may  
4 have been, correct?

5 **A. Correct.**

6 **Q.** You indicated earlier that someone else had to  
7 go perform the presentation. Do you know who that was?

8 **A. Yes.**

9 **Q.** Who was that?

10 **A. Warren Hoover and Angel Nottage.**

11 **Q.** Okay. What was the first name again?

12 **A. Warren, W-a-r-r-e-n, Hoover. And Angel Nottage,  
13 N-o-t-t-a-g-e.**

14 **Q.** Did Mr. Saylor perform the investigation --  
15 excuse me, perform the presentation?

16 **A. Honestly, I didn't see the presentation. I  
17 wasn't there at the presentation, so I don't know who  
18 performed it.**

19 **Q.** Now, you indicated that Ms. Pina was terminated  
20 the following week, correct?

21 **A. Correct.**

22 **Q.** Do you recall who told Ms. Pina she was  
23 terminated?

24 **MR. PORTO:** I will object to the form of  
25 the question. It's been asked and answered.